

NO. PD- 0243-20

**IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
9/10/2020
DEANA WILLIAMSON, CLERK

**SANDRA JEAN MELGAR
VS.
THE STATE OF TEXAS**

**ON DISCRETIONARY REVIEW FROM THE
COURT OF APPEALS FOR THE
FOURTEENTH SUPREME JUDICIAL DISTRICT OF TEXAS
AT HOUSTON
CASE NUMBER 14-17-00932-CR**

**Appeal from the District Court
of Harris County, Texas
178TH Judicial District
Trial Cause Number 1435566**

**MOTION TO EXTEND TIME WITHIN WHICH TO FILE BRIEF
FOR APPELLANT ON PETITION FOR DISCRETIONARY REVIEW**

TO THE HONORABLE JUDGES OF SAID COURT:

NOW COMES, SANDRA JEAN MELGAR, appellant in the above-styled and numbered cause, and pursuant to Tex. R. App. P., 10.5(b) and 38.6(d), files this Motion to Extend Time Within Which to File Brief for Appellant on Petition For Discretionary Review, and for cause would show the Court the following:

I.

By judgment dated August 24, 2017, appellant was convicted of the offense of murder in Cause Number 1435566 in the 178th District Court of Harris County, Texas, styled *The State of Texas v. SANDRA JEAN MELGAR*. Her punishment was assessed at twenty-seven (27) years imprisonment in the Texas Department of Criminal Justice's Institution Division and a fine of \$10,000.00.

II.

On August 19, 2020, this Court granted the Appellant's Petition for Discretionary Review.

III.

The appellate brief is due to be filed with the Court on or before September 18, 2020.

IV.

Appellant requests an additional thirty (30) days until October 19, 2020, to file the appellate brief.

V.

There have been no previous extensions of time requested.

VI.

For good cause, appellant would show that the record on appeal in this matter is lengthy, over 3,000 pages. The reporter's record consists of approximately 2,112 pages and the clerk's record consists of 920 pages. *In addition*, there were approximately 1,067 exhibits admitted into evidence. (There are seventeen (17) volumes of the reporters record.) The trial in this matter lasted nearly three weeks. The issue for this Court to resolve based on the Grounds for Review granted is whether the evidence adduced at trial is legally sufficient to support the verdict and judgment. The evidence is intricate and a proper analysis of it and the case law requires that additional time be expended on drafting Appellant's Brief.

In addition, counsel is preparing for an evidentiary sentencing hearing to be conducted in federal court on September 29 and September 30, 2020, in a case styled *United States of America v. Saqer*, Cause No. H-19-475, which is pending before Chief Judge Lee Rosenthal of the United States District Court for the Southern District of Texas. This is a very complex proceeding involving expert witness testimony and several hundred exhibits comprised of thousands of pages of documents. Counsel has been working virtually around the clock preparing for this hearing which was scheduled before the Court granted Appellant's Petition for

Discretionary Review and simply has not had adequate time to complete the drafting of Appellant's Brief in this case.

WHEREFORE, PREMISES CONSIDERED, appellant respectfully prays that this motion be granted and that the Court permit an extension of time to file the appellate brief on or before October 19, 2020.

Respectfully submitted,

/s/ George M. Secrest, Jr.

GEORGE McCALL SECREST, JR.

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Attorneys for the Defendant,

SANDRA JEAN MELGAR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was delivered to Mr. Clinton Morgan, morgan_clinton@dao.hctx.net and Ms. Stacey Soule, information@spa.texas.gov, on this 10th day of September, 2020.

/s/ George M. Secrest, Jr.

GEORGE McCALL SECREST, JR.